

# HOUSE BILL REPORT

## HB 2987

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**As Reported by House Committee On:**  
Transportation

**Title:** An act relating to vehicle gross weight violations.

**Brief Description:** Increasing penalties for vehicle gross weight violations.

**Sponsors:** Representatives Kagi, Clibborn and Dickerson.

**Brief History:**

**Committee Activity:**

Transportation: 1/26/06, 2/6/06 [DPS].

**Brief Summary of Substitute Bill**

- Requires a 30 day suspension of the certificate of license registration of a vehicle on the third and succeeding overweight or out of service violation during a 12 month period.
- Directs the Washington State Patrol to develop recommendations for tracking overweight and out of service violations, in conjunction with the Administrator of the Courts, Department of Licensing, Utilities and Transportation Commission and the trucking industry.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Murray, Chair; Wallace, Vice Chair; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton, Buck, Campbell, Clibborn, Curtis, Dickerson, Flannigan, Hankins, Hudgins, Jarrett, Kilmer, Lovick, Morris, Nixon, Rodne, Schindler, Sells, Shabro, Simpson, B. Sullivan, Takko, Upthegrove and Wood.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Ericksen and Holmquist.

**Staff:** Jerry Long (786-7306).

**Background:**

Vehicle owners registering trucks with a gross weight of 4,000 pounds or more are charged a combined license fee (CLF). The CLF is based on gross vehicle weight. No vehicle or

combination of vehicles can operate upon the public highways of the state with a gross load on any single axle in excess of 20,000 pounds or upon any group of axles in excess of the weight that is set forth in statute.

If found to be operating a vehicle overweight the current penalties are:

- one pound through 4,000 pounds overweight is 3 cents per pound overweight;
- 4,001 pounds through 10,000 pounds overweight is \$120 plus 12 cents per pound for each additional pound over 4,000 overweight;
- 10,001 pounds through 15,000 pounds overweight is \$840 plus 16 cents per pound for each additional pound over 10,000 pounds overweight;
- 15,001 pounds through 20,000 pounds overweight is \$1,640 plus 20 cents per pound for each additional pound over 15,000 pounds overweight; and
- 20,001 pounds or more is \$2,640 plus 30 cents per pound for each additional pound over 20,000 pounds overweight.

Upon the first violation in any calendar year, the court may suspend the penalty for 500 pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a 2,000 pound suspension.

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### **Summary of Substitute Bill:**

Upon a third or succeeding weight violation during a 12 month period or a third or succeeding out of service violation, as defined in the code of federal regulations during any 12 month period, the court will suspend the certificate of license registration for not less than 30 days.

The Washington State Patrol will develop recommendations:

- regarding the most effective methods for tracking the violations that lead to suspensions of certificates of license registrations; and
- for improving the safe operation of commercial motor vehicles on Washington's highways and roads.

In developing these recommendations, the Washington State Patrol will consult with the Administrator of the Courts, Department of Licensing, Washington Utilities and Transportation Commission and the trucking industry. The recommendations will be submitted to the transportation committees of the Legislature by December 1, 2006.

### **Substitute Bill Compared to Original Bill:**

#### Original Bill

The original bill increased the penalties for overweight violations with 90 percent of the penalties being distributed to the Motor Vehicle Account for increased commercial vehicle enforcement and highway maintenance due to commercial vehicle enforcement use.

After the first violation in any calendar year, the courts are prohibited from reducing or suspending fees relating to overweight violations.

### Substitute Bill

Maintains the current weight penalties, but after the third or succeeding weight violation during a 12 month period or a third or succeeding out of service violation, as defined in the code of federal regulations during any 12 month period, the court will suspend the certificate of license registration for not less than thirty days.

The Washington State Patrol will develop recommendations:

- Regarding the most effective methods for tracking the violations that lead to suspensions of certificates of license registrations.
- For improving the safe operation of commercial motor vehicles on Washington's highways and roads.

In developing these recommendations, the Washington State Patrol will consult with the Administrator of the Courts, Department of Licensing, Washington Utilities and Transportation Commission and the trucking industry. The recommendations will be submitted to the transportation committees of the Legislature by December 1, 2006.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** Current enforcement needs to be increased on overweight vehicles and the fines need to be increased. The current penalty for being overweight by 2,000 pounds is only \$60. The state needs stricter enforcement of weight laws. Some trucking companies have a pattern of not following regulations which is apparent by the number of citations that some trucking companies receive.

Truckers should be responsible for proper loading of the loads and safety. If trucks are operating legally, this legislation would not effect the motor carriers that are doing everything properly.

The existing penalties are too low and some companies treat the penalties as a cost of doing business. Higher penalties would change behavior from overloading trucks to properly loading trucks.

**Testimony Against:** For agricultural farmers, sometimes the drivers do not know that they are overweight until they are weighed at the nearest scale which could be several miles from the farm. There are only about 1 percent of the trucks that are static weighed that are overweight and about 9 percent overweight that is weighed by weigh in motion. Loads will pickup weight due to rain and water, so the load will weigh more in transport than the weight the load started out at. The majority of the trucks are loaded by companies or individuals other than the driver. Not all of the scales may weigh a truck the same. Normally the weight of the truck does not cause an accident, but may contribute to the damage caused by the

accident. Onboard scales on logging trucks have a margin of error due to mud and other factors that may contribute in not properly weighing the load.

**Persons Testifying:** (In support) Representative Kagi, prime sponsor; Bruce Beckett, Weyerhaeuser; Kathleen Ellsbury; Rick Ellsbury; Eileen Llona; Laurie Solheim; and Jeff Devere and Coral Estes, Washington State Patrol.

(Opposed) George Kirkmire, Washington Contract Loggers Association; Larry Pursley, Washington State Trucking Association; Jack Field, Washington Cattlemen; and Tim Boyd, Washington State Potato Commission.

**Persons Signed In To Testify But Not Testifying:** None.